Simon v. Adzilla, Inc [New Media] et al
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EXHIBIT V-9

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and Divya Narendra

ENDORSED
2006 MAY 24 PM 5:09
SUPERIOR COURT OF CA
CO. OF SANTA CLARA
BY L. HA DEPUTY

COPY

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SANTA CLARA

THE FACEBOOK, INC.

Plaintiff,

v.

CONNECTU LLC, CAMERON WINKLEVOSS, TYLER WINKLEVOSS, HOWARD WINKLEVOSS, DIVYA NARENDRA, AND DOES 1-25,

Defendants.

CASE NO. 105 CV 047381

SUPPLEMENTAL DECLARATION OF CAMERON WINKLEVOSS IN SUPPORT OF DEFENDANTS' REPLY TO OPPOSITION TO MOTION TO QUASH SERVICE OF COMPLAINT AND SUMMONS FOR LACK OF PERSONAL JURISDICTION

Date: June 1, 2006
Time: 9:00 a.m.
Dept. 2
Judge: William J. Elfving

I Cameron Winklevoss declare,

1. During the late spring and early summer of 2004, I accessed thefacebook.com website on various occasions. I used the access information, i.e. the email account and passwords voluntarily provided to me by various friends and acquaintances who were already registered users of thefacebook.com. Each of these people who provided to me their access information authorized me to logon to thefacebook.com.

2. After logging onto thefacebook.com, I was able to see the email addresses of other Facebook users. These email addresses were directly visible. There were no security features or other hindrances that I had to avoid in order to see these email addresses. I personally downloaded onto my computer some of these email addresses that I found on thefacebook.com. Substantially most if not all of these downloads occurred prior to the end of July, 2004.

3. During the late spring and early summer of 2004, I was aware that Tyler Winklevoss and Divya Narendra were also accessing thefacebook.com and downloading email addresses from this site.

4. On or about May 21, 2004, ConnectU launched a website intended for use by people at universities and colleges. In 2005, many months after I downloaded the email addresses from thefacebook.com onto my computer, ConnectU added a screen to its website that allowed its members to invite their friends who had registered with thefacebook.com to also become ConnectU members. ConnectU learned that some of its members, who were also thefacebook.com registrants, wanted to invite "friends" from thefacebook.com site to join ConnectU. To accomplish this desire, ConnectU created a screen on its site that allowed for its user to enter his or her access information to thefacebook.com site. The ConnectU member then authorized ConnectU to access thefacebook.com site with his or her facebook.com access information and invite his or her friends who had registered on thefacbook.com to join ConnectU. ConnectU then automatically accessed thefacebook.com through the access information provided by their members and sent invitations to its member's friends to join ConnectU.

5. None of the email addresses that Tyler Winklevoss, Divya Narendra or I downloaded during the spring and early summer of 2004 were used by ConnectU in the automatic process described in the paragraph above. Instead, the email addresses that were used were those that were available on thefacebook.com in 2005 when a ConnectU member provided his or her thefacebook.com access information and requested that ConnectU invite his or her friends on thefacebook.com to join ConnectU.

6. Each time I met with Mark Zuckerberg, it was at or near the Harvard campus in Cambridge Massachusetts. To the extent I received email communication from Mark Zuckerberg, it was from his email account provided by Harvard University while we were both students at Harvard.

7. During the spring and early summer of 2004 when I downloaded email addresses from the facebook.com I did not understand that Mark Zuckerberg was in California. During this time I did not know that Mark Zuckerberg might create a corporation from which thefacebook.com site would be run. During this time, I did not know that any such corporation would be located in California.

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct and that this declaration was executed on the 22 day of May, 2006.

[signature]
Cameron Winklevoss